

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**LEONARD K. BAYLIS**

**Plaintiff**

**v.**

**STANLEY TAYLOR, et al**

**Defendant(s)**

:  
:  
:  
:  
:  
:  
:  
:  
:

**Civ. No: 06-11-SLR**

**JURY OF 12 DEMANDED**

**MOTION OF DEFENDANTS, CHRISTINE MALANEY, DR. ANTHONY CANNULI, AND  
CHARLES BENTON TO DISMISS PLAINTIFF'S COMPLAINT<sup>1</sup>**

COMES NOW Christine Malaney, Dr. Anthony Cannuli and Charles Benton ("Defendants"), by and through their undersigned counsel, and respectfully moves this Honorable Court to enter an Order pursuant to Federal Rules of Civil Procedure 12(b)(6) dismissing Plaintiff's Complaint for failure to state a claim upon which relief can be granted. In support of this Motion, the defendants offer the Memorandum of Points and Authorities filed simultaneously herewith.

MARSHALL, DENNEHEY, WARNER,  
COLEMAN AND GOGGIN

BY: /s/Kevin J. Connors  
KEVIN J. CONNORS, ESQUIRE, (DE ID # 2135)  
LORENZA A. WOLHAR, (DE ID # 3971)  
1220 N. Market Street, 5<sup>th</sup> Floor  
P.O. Box 130  
Wilmington, DE 19899-0130  
(302) 552-4302  
Attorneys for Defendants, Christine Malaney, Dr. Anthony  
Cannuli, M.D. and Charles Benton

DATED: June 26, 2006

---

<sup>1</sup> The Defendants waive their right to file an Opening Brief and submit this Motion in lieu thereof pursuant to Local Rule 7.1.2. However, the defendants. reserve the right to file a Reply Brief.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<b>LEONARD K. BAYLIS</b>	:	
	:	
<b>Plaintiff</b>	:	
	:	
<b>v.</b>	:	<b>Civ. No: 06-11-SLR</b>
	:	
<b>STANLEY TAYLOR, et al</b>	:	<b>JURY OF 12 DEMANDED</b>
	:	
<b>Defendant(s)</b>	:	

**CERTIFICATE OF SERVICE**

I hereby certify that on June 26, 2006, I electronically filed the Motion of Defendants, Christine Malaney, Dr. Anthony Cannuli and Charles Benton to Dismiss Plaintiff's Complaint with the Clerk of Court using CM/ECF, which will send notification of such filing to the following:

Eileen Kelly, Esquire  
Department of Justice  
820 N. French Street, 6<sup>th</sup> Floor  
Wilmington, DE 19801

I hereby certify that on June 26, 2006, I have mailed by United States Postal Service, the Motion of Defendants, Christine Malaney, Dr. Anthony Cannuli and Charles Benton to Dismiss Plaintiff's Complaint to the following non-registered participant:

Leonard K. Baylis  
SBI00100231  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

MARSHALL, DENNEHEY, WARNER,  
COLEMAN AND GOGGIN

BY: /s/Kevin J. Connors  
KEVIN J. CONNORS, ESQUIRE, (DE ID # 2135)  
LORENZA A. WOLHAR, (DE ID # 3971)  
1220 N. Market Street, 5<sup>th</sup> Floor  
P.O. Box 130  
Wilmington, DE 19899-0130  
(302) 552-4302  
Attorneys for Defendants, Christine Malaney, Dr.  
Anthony Cannuli, M.D. and Charles Benton